

Exhibit A

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

vs.

PROPAK LOGISTICS, INC

Defendant.

CIVIL CASE NO. 1:09-cv-311

AFFIDAVIT OF JOHN D. COLE

I, John D. Cole, being duly sworn upon oath state as follows:

1. I am lead counsel of record for the Defendant in this matter. I have personal knowledge of the issues set forth in this Affidavit.
2. I am a Member at Nexsen Pruet, PLLC (hereafter “Nexsen Pruet”) since 2011 and previously a Shareholder at Ogletree, Deakins, Nash, Smoak & Stewart, PC (hereafter “Ogletree”) from 2004 to 2011. Prior to that, I was a Member at Haynsworth, Baldwin, Johnson and Greaves, LLC from 1991 to 2004.
3. I have represented Defendant Propak Logistics, Inc. (hereafter “Propak”) in the above captioned case and have acted as lead counsel for Propak in all phases of the litigation of this matter. I was also lead counsel representing Propak in the Quintois Equal Employment Opportunity Commission (hereafter “EEOC”) matter and the ensuing

Quintois civil litigation matter. I have direct knowledge of the attorneys' fees which have been incurred by Propak in connection with the legal services provided in this case.

4. I was admitted to practice law in North Carolina in 1995. In addition to North Carolina, I am admitted to practice in South Carolina, Georgia, the U.S. District Court for the Eastern, Middle and Western Districts of North Carolina and the U.S. Court of Appeals for the Fourth Circuit. I am listed in The Best Lawyers in America, 19th Edition for my work in the practice area of Employment Law - Management. My primary practice area is employment law.
5. Since the Complaint was filed against Propak, I have been assisted by Robert Phifer, Margaret Campbell and Kelly Hughes of Ogletree , in addition to Grainger Pierce and Dedria Harper of Nexsen Pruet. I was also assisted by paralegals Thomas Alexander and Emily Pacheco of Ogletree and Christina Cyr of Nexsen Pruet. The attorneys listed above are all admitted in North Carolina.
6. The billing records attached to this Affidavit as Attachment A reflect the fees incurred by Propak for services provided by the attorneys and paralegals at Ogletree and at Nexsen Pruet. The services were actually and necessarily performed for the defense of Propak in the current action.
7. The billing records are maintained at the Nexsen Pruet office in Charlotte, North Carolina, under my custody and control. It is in my regular course of business to make and retain such records.
8. The various expenses such as copying, printing and fees for printed and electronically recorded transcripts necessary for use in this case are being filed with the Court separately, outlined on Form AO 133, Bill of Costs, according to 28 USC Section 1920.

9. The total amount of attorneys' fees incurred by Propak in this case is \$189,113.50. The total amount of other non-taxable costs in this case, including travel to depositions and research costs is \$3,489.45. These non-taxable costs were reasonable and necessary to defend Propak.
10. I am familiar with the standard rates charged by litigation attorneys in Charlotte, North Carolina.
11. The fees charged to Propak in this matter are outlined below by timekeeper. The difference in rates at Ogletree reflect an increase in attorneys' fees in January 2009. Currently, my fee at Nexsen Pruet is \$345 per hour and Nexsen Pruet Member Grainger Pierce currently has a rate of \$290 per hour.

Timekeeper	Firm Name	Rate per Hour	Number of Hours Billed
John D. Cole, Shareholder	Ogletree	1. \$365	1. 79.30
	Ogletree	2. \$385	2. 65.50
	Nexsen Pruet	3. \$340	3. 226.80
Robert Phifer, Shareholder	Ogletree	\$400	.30
Margaret Campbell, Shareholder	Ogletree	\$425	1.10
Kelly Hughes, Associate	Ogletree	1. \$305	1. 119.70
	Ogletree	2. \$320	2. 27.20
Thomas Alexander, Paralegal	Ogletree	1. \$160	1. 21.80
	Ogletree	2. \$165	2. 4.30
Emil Pacheco, Paralegal	Ogletree Ogletree	\$160	1.90
Grainger Pierce, Member	Nexsen Pruet	\$260	14.40
Dedria Harper, Associate	Nexsen Pruet	\$205	8.3
Christina Cyr, Paralegal	Nexsen Pruet	\$135	15.50

12. The hourly rates charged by Ogletree and Nexsen Pruet represent an acceptable range within which employment and litigation attorneys bill for discrimination cases in the Charlotte area.

13. I believe that the total fees of \$189,113.50 incurred by Propak from August 2009 to present are reasonable under the circumstances and facts of this case. All of the services performed by my former firm and present firm were necessary to defend Propak against the EEOC's claims of discrimination.

14. I am familiar with the factors set out in *Barber v. Kimbrell's, Inc.*, 577 F.2d 216 (4th Cir. 1978), and the twelve factors listed in *Johnson v. Georgia Highway Express, Inc.* 488 F.2d 714 (5th Cir. 1974) cited by the *Barber* court, and, based on those factors, aver that all of the attorneys' fees sought by Propak in its Motion, and specifically those attorney's fees related to my work, are reasonable, appropriate and necessary to the proper representation of our client in this case. In support of this position, attached as Attachment B to the filing, is an Affidavit of Stephen J. Dunn, a member of the Bar of the State of North Carolina and this Court, confirming that the hourly rates charged by our firm for the shareholders, associates, paralegals, law clerks and litigation support personnel are reasonable and are within rates customarily charged by attorneys of similar experience and reputation in the Charlotte, North Carolina area.

Further affiant sayeth not.

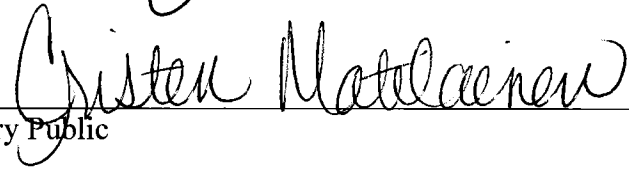


John D. Cole

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

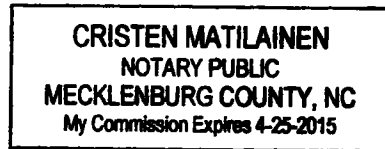
SUBSCRIBED AND SWORN to before me this 28th day of August, 2012 by John D. Cole.



Notary Public

[SEAL]

My Commission Expires: 4.25.2015



Attachment A



Ogle 001

October 14, 2009

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

PERSONAL AND CONFIDENTIAL

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Attorneys at Law

Administrative Office
918 South Pleasantburg Drive (29607)
P.O. Box 167
Greenville, South Carolina 29602
Telephone: 864.241.1900
Facsimile: 864.235.4649
www.ogletreedeakins.com

Invoice # 664244
Matter # 011180-000005

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through September 30, 2009, in connection with the above-referenced matter as outlined on the attached detailed billing sheets:

Fees \$10,746.50
Expenses \$4.98

Total Due This Invoice..... \$10,751.48

2015-50-900

ENTERED OCT 21 2009

RECEIVED OCT 19 2009

PLEASE REMIT TO: Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Post Office Box 89
Columbia, SC 29202
Federal ID # 57-1044820

Payable upon receipt.
Direct inquiries to the billing attorney or the Account Services Department (864) 241-1900.

Atlanta • Austin • Birmingham • Bloomfield Hills • Boston • Charleston • Charlotte • Chicago • Cleveland • Columbia • Dallas • Greensboro • Greenville • Houston • Indianapolis • Jackson • Kansas City
Los Angeles • Memphis • Miami • Morristown • Nashville • New Orleans • Philadelphia • Phoenix • Pittsburgh • Raleigh • St. Louis • St. Thomas • San Antonio • San Francisco • Tampa • Torrance • Tucson • Washington



Page 2
10/14/09
Invoice No. 664244
011180-000005-JDC

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through September 30, 2009:

Date	Initials	Description	Hours	Amount
08/20/09	JDC	Review fax from Randy Huggins with waiver of service form and complaint.	0.30	109.50
08/25/09	KSH	Receive and review complaint.	0.30	91.50
08/26/09	JDC	Prepare e-mail to Terry Smith regarding waiver of service and responding to complaint.	0.40	146.00
08/26/09	JDC	Review prior Quintois litigation issues and EEOC charge.	2.50	912.50
08/27/09	JDC	Research pattern and practice cases and analysis of complaint; plan possible motion to dismiss.	4.70	1,715.50
08/28/09	JDC	Sign and return waiver of service form.	0.20	73.00
09/02/09	JDC	Review filing of waiver of service form by Plaintiff's counsel; continued review of Quintois litigation and EEOC files; analysis of motion to dismiss; review cases against EEOC and awarded attorney fees for failure to conciliate.	5.50	2,007.50
09/22/09	JDC	Continued review of complaint and determining proposed strategy to respond to lawsuit, including possible motion to dismiss.	2.30	839.50
09/24/09	JDC	E-mail correspondence to Terry Smith regarding scheduling conference to discuss case strategy and possible motion to dismiss with request for fees.	0.20	73.00
09/25/09	JDC	Telephone conference with Terry Smith regarding case strategy, motion to dismiss.	0.60	219.00
09/25/09	JDC	Continued review of Quintois files; EEOC case timeline; attempted conciliation; documents from DOJ administrative charges; determine need for FOIA request to DOJ.	4.40	1,606.00

RECEIVED OCT 19 2009

Date	Initials	Description	Hours	Amount
09/25/09	KSH	Review and revise FOIA letter to EEOC.	0.20	61.00
09/25/09	TPA	Draft FOIA request to the EEOC regarding Charge No. 140-2003-00412, Michael C. Quintois Charging Party, for counsel's review in preparation for service.	0.50	80.00
09/28/09	KSH	Teleconference with Department of Justice representative regarding information needed for FOIA request; draft revisions to FOIA request in light of teleconference.	0.90	274.50
09/29/09	JDC	Assist in preparing motion to discuss; outline issues for research for motion to dismiss.	3.20	1,168.00
09/29/09	KSH	Researching federal case authority regarding laches as basis for dismissal of EEOC complaint.	1.50	457.50
09/30/09	JDC	Reviewing cases dismissed pursuant to laches argument.	2.50	912.50
Total Services			30.20	\$10,746.50

Timekeeper Summary

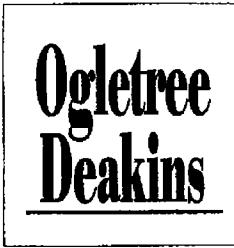
Timekeeper	Title	Rate	Hours	Amount
John D. Cole	Shareholder	365.00	26.80	9,782.00
Kelly S. Hughes	Associate	305.00	2.90	884.50
Thomas P. Alexander	Paralegal	160.00	0.50	80.00

Expenses

Description	Amount
Copies 41 @ 0.10 ea.	4.10
Postage	0.88
Total Expenses	\$4.98

TOTAL FEES	\$10,746.50
TOTAL EXPENSES	\$4.98
TOTAL THIS INVOICE	\$10,751.48

RECEIVED OCT 19 2009



08/11/09

November 9, 2009

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

Attorneys at Law

Administrative Office
918 South Pleasantburg Drive (29607)
P.O. Box 167
Greenville, South Carolina 29602
Telephone: 864.241.1900
Facsimile: 864.235.4649
www.ogletreedeakins.com

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

PERSONAL AND CONFIDENTIAL

Invoice # 669452
Matter # 011180-000005

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through October 31, 2009, in connection with the above-referenced matter as outlined on the attached detailed billing sheets:

Fees	\$22,184.00
Expenses	\$727.66
Total Due This Invoice.....	\$22,911.66

2015-50-900 (4)

ENTERED DEC 03 2009

RECEIVED NOV 13 2009

PLEASE REMIT TO: Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Post Office Box 89
Columbia, SC 29202
Federal ID # 57-1044820

Payable upon receipt.
Direct inquiries to the billing attorney or the Account Services Department (864) 241-1900.

Atlanta • Austin • Birmingham • Bloomfield Hills • Boston • Charleston • Charlotte • Chicago • Cleveland • Columbia • Dallas • Greensboro • Greenville • Houston • Indianapolis • Jackson • Kansas City
Los Angeles • Memphis • Miami • Morristown • Nashville • New Orleans • Philadelphia • Phoenix • Pittsburgh • Raleigh • St. Louis • St. Thomas • San Antonio • San Francisco • Tampa • Torrance • Tucson • Washington

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through October 31, 2009:

Date	Initials	Description	Hours	Amount
10/01/09	JDC	Review denial of FOIA request.	0.20	73.00
10/01/09	KSH	Review EEOC's letter denying FOIA request.	0.20	61.00
10/02/09	JDC	Analyze response of DOJ with regard to FOIA request and determine appropriate reply; approve request for release from Quintois.	0.80	292.00
10/02/09	JDC	Prepare letter to T. Smith regarding response to DOJ denial.	0.50	182.50
10/02/09	KSH	Review letter from DOJ denying FOIA request.	0.20	61.00
10/02/09	KSH	Teleconference with DOJ representative regarding denial of FOIA request, certification of identity for Michael Quintois, and release of information Company submitted during investigation.	0.30	91.50
10/02/09	KSH	Teleconference with and e-mail correspondence to Michael Quintois' attorney, Tamara Brooks, regarding request for execution of certification of identity for submission to DOJ.	0.70	213.50
10/02/09	KSH	Draft letter to Tamara Brooks regarding assistance with Certification of Identity.	0.30	91.50
10/04/09	KSH	Analyze federal case authority regarding DOJ investigation's preclusive effect on subsequent EEOC litigation.	0.70	213.50
10/04/09	KSH	Review cases in which federal courts have upheld dismissal of EEOC complaints based upon laches defense.	0.90	274.50
10/05/09	KSH	Continue researching laches and related issues for potential motion to dismiss.	2.20	671.00

Date	Initials	Description	Hours	Amount
10/06/09	JDC	Prepare answer/motion to dismiss.	1.00	365.00
10/06/09	KSH	Review company documents and correspondence from EEOC file.	1.20	366.00
10/06/09	KSH	Telephone call to Terry Smith regarding documentation needed for upcoming motion to dismiss.	0.10	30.50
10/06/09	KSH	Outline facts identified in case authority as indicators of undue prejudice to support motion to dismiss.	0.80	244.00
10/06/09	KSH	Analyze whether to recommend making argument concerning failure to conciliate in good faith or hold for summary judgment if motion to dismiss is unsuccessful.	0.40	122.00
10/06/09	KSH	Review res judicata/collateral estoppel issue with respect to DOJ's involvement.	0.50	152.50
10/07/09	KSH	Draft motion to dismiss.	0.30	91.50
10/07/09	KSH	Draft legal argument regarding Bell Atlantic v. Twombly pleading standards for motion to dismiss.	2.40	732.00
10/07/09	KSH	Draft introduction, statement of facts, and beginning of legal argument regarding laches defense for motion to dismiss.	2.00	610.00
10/08/09	KSH	Draft answer to Plaintiff's complaint.	2.50	762.50
10/08/09	KSH	Brief overview of case authority regarding potential argument that Michael Quintois' individual lawsuit has preclusive effect on subsequent suit by EEOC to determine whether to include argument in motion to dismiss or hold and evaluate further if motion to dismiss unsuccessful.	1.00	305.00
10/08/09	KSH	Teleconference with Terry Smith regarding motion to dismiss strategy, affirmative defenses for answer, and background information for affidavit regarding timeline of events and prejudice caused by EEOC's delay.	0.70	213.50
10/09/09	JDC	Analysis of answer/motion to dismiss.	2.80	1,022.00

Date	Initials	Description	Hours	Amount
10/09/09	KSH	Continue reviewing federal authority regarding possible defenses to include in answer.	2.50	762.50
10/12/09	MHC	Teleconference with Kelly Hughes regarding issues in defense of pattern and practice case.	0.70	297.50
10/12/09	JDC	Continued preparation of motion to dismiss.	4.30	1,569.50
10/12/09	KSH	Receive and review timeline of events and other documentation from Terry Smith.	0.80	244.00
10/12/09	KSH	Per prior discussion with Terry Smith, conduct teleconference with Margaret Campbell (Atlanta office) regarding additional affirmative defenses to consider and strategies for defending pattern or practice suits under Title VII.	0.70	213.50
10/12/09	KSH	Teleconference with Terry Smith regarding information for his affidavit and evidence of prejudicial delay.	0.30	91.50
10/12/09	KSH	Analyze controlling authority regarding unavailability of potential counterclaims for malicious prosecution and/or abuse of process in light of EEOC's status as U.S. agency.	0.30	91.50
10/12/09	KSH	Draft revisions to answer to Plaintiff's complaint.	1.90	579.50
10/12/09	KSH	Draft affidavit for Terry Smith in support of motion to dismiss.	0.50	152.50
10/12/09	KSH	Draft revisions to memorandum in support of motion to dismiss.	3.40	1,037.00
10/13/09	MHC	Teleconference with Kelly Hughes regarding bifurcation and affirmative defenses, additional strategic issues.	0.40	170.00
10/13/09	JDC	Final preparations of answer and motion to dismiss; telephone conference with Terry Smith regarding same.	8.20	2,993.00
10/13/09	KSH	Draft final revisions to motion to dismiss, memorandum in support, and affidavit.	8.10	2,470.50

Date	Initials	Description	Hours	Amount
10/13/09	TPA	Review, cite check, shepardize and revise Defendant's motion to dismiss, Defendant's memorandum in support its motion to dismiss and answer in preparation for filing with the clerk of court, prepare attachments to Defendant's memorandum in support in preparation for filing with the clerk of court, filed Defendant's motion to dismiss, memorandum in support and answer with the clerk of court per counsel's request.	4.20	672.00
10/15/09	TPA	Draft corporate disclosure statement and notice of appearance for Kelly Hughes in preparation for filing with the clerk of court	0.60	96.00
10/21/09	KSH	Revise corporate disclosures for submission to client.	0.20	61.00
10/28/09	JDC	Update status of FOIA appeal and DOJ appeal; prepare for reply arguments.	2.30	839.50
10/28/09	KSH	Analyze federal case authority and controlling regulations to formulate response to EEOC's FOIA denial.	1.60	488.00
10/28/09	KSH	Draft FOIA appeal to EEOC.	0.80	244.00
10/29/09	KSH	Continue FOIA research; draft FOIA appeals to DOJ and EEOC.	4.70	1,433.50
10/29/09	EP	Shepardize federal authority cited in FOIA appeal letter for Kelly Hughes.	0.40	64.00
10/30/09	JDC	Initial review of EEOC's response to motion to dismiss.	0.80	292.00
10/30/09	TPA	Analysis of EEOC's response in opposition to Defendant's motion to dismiss in order to identify relevant issues to be addressed in Defendant's reply brief.	0.50	80.00
Total Services			70.90	\$22,184.00



Page 6
11/09/09
Invoice No. 669452
011180-000005-JDC

Timekeeper Summary

Timekeeper	Title	Rate	Hours	Amount
Margaret H. Campbell	Shareholder	425.00	1.10	467.50
OK John D. Cole	Shareholder	365.00	20.90	7,628.50
OK Kelly S. Hughes	Associate	305.00	43.20	13,176.00
Thomas P. Alexander	Paralegal	160.00	5.30	848.00
Emily Pacheco	Paralegal	160.00	0.40	64.00

Expenses

Description	Amount
Copies	45 @ 0.10 ea. 4.50
Delivery Service	6.33
Postage	19.69
Computer Research	697.14
Total Expenses	\$727.66

TOTAL FEES	\$22,184.00
TOTAL EXPENSES	\$727.66
TOTAL THIS INVOICE	\$22,911.66

Ogletree Deakins

Ogle001

December 4, 2009

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

PERSONAL AND CONFIDENTIAL

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

Attorneys at Law

Administrative Office
918 South Pleasantburg Drive (29607)
P.O. Box 167
Greenville, South Carolina 29602
Telephone: 864.241.1900
Facsimile: 864.235.4649
www.ogletreedeakins.com

Invoice # 672856
Matter # 011180-000005

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through November 30, 2009, in connection with the above-referenced matter as outlined on the attached detailed billing sheets:

Fees	\$22,517.00
Expenses	\$670.38
Total Due This Invoice.....	\$23,187.38

6190-50-905

RECEIVED DEC 8 7 2009

ENTERED DEC 8 7 2009

PLEASE REMIT TO: Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Post Office Box 89
Columbia, SC 29202
Federal ID # 57-1044820

Payable upon receipt.

Direct inquiries to the billing attorney or the Account Services Department (864) 241-1900.

Atlanta • Austin • Birmingham • Bloomfield Hills • Boston • Charleston • Charlotte • Chicago • Cleveland • Columbia • Dallas • Greensboro • Greenville • Houston • Indianapolis • Jackson • Kansas City
Los Angeles • Memphis • Miami • Morristown • Nashville • New Orleans • Philadelphia • Phoenix • Pittsburgh • Raleigh • St. Louis • St. Thomas • San Antonio • San Francisco • Tampa • Torrance • Tucson • Washington

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through November 30, 2009:

Date	Initials	Description	Hours	Amount
11/02/09	JDC	Review EEOC response to motion to dismiss.	1.00	365.00
11/02/09	KSH	Review EEOC's response to Propak's motion to dismiss and documents attached thereto.	0.70	213.50
11/04/09	JDC	Analysis of response brief.	3.20	1,168.00
11/04/09	KSH	Analyze EEOC's response brief and identify potential arguments for reply and issues for further research.	1.60	488.00
11/04/09	KSH	Review letter from EEOC regarding FOIA appeal status.	0.20	61.00
11/04/09	TPA	Discussion with counsel regarding strategy for preparing Defendant's reply to Plaintiff's memorandum in opposition to Plaintiff's motion to dismiss; discuss preparing timeline of key events to be used in preparing Defendant's laches argument; begin preparation of timeline per counsel's request.	1.60	256.00
11/05/09	TPA	Further discussion with counsel regarding the preparation of the timeline of key events to be used in supporting Defendant's laches argument in its reply brief; identify key events cited in Plaintiff's memorandum in opposition to Defendant's motion; preparation of timeline for counsel's review.	2.10	336.00
11/06/09	KSH	Outline arguments for reply brief and begin drafting.	4.50	1,372.50

Date	Initials	Description	Hours	Amount
11/06/09	TPA	Prepare timeline of key events starting from the filing of Plaintiff's initial charge of discrimination with the EEOC to the filing of the EEOC's complaint per counsel's request.	1.80	288.00
11/09/09	KSH	Draft reply to Plaintiff's response to Defendant's motion to dismiss.	9.60	2,928.00
11/10/09	JDC	Review reply brief.	2.30	839.50
11/10/09	KSH	Review John Cole's revisions to initial draft of reply to motion to dismiss and identify further issues for research.	0.60	183.00
11/11/09	KSH	Draft revisions to reply for motion to dismiss.	6.30	1,921.50
11/12/09	JDC	Preparation of reply brief.	6.40	2,336.00
11/12/09	KSH	Draft additional revisions to reply to Plaintiff's response to Defendant's motion to dismiss.	7.20	2,196.00
11/12/09	TPA	Draft chart of relevant dates and events which detail the total days of delay that can be attributed to Defendant, and compute the percentage of delay that can be attributed to Defendant for counsel's review in preparation for drafting Defendant's reply to Plaintiff's response to its motion to dismiss.	2.10	336.00
11/12/09	TPA	Draft chart of relevant dates and events which detail the total days of unexplained delay that can be attributed to Plaintiff, and compute the percentage of delay that can be attributed to Plaintiff for counsel's review in preparation for drafting Defendant's reply to Plaintiff's response to its motion to dismiss.	1.80	288.00
11/13/09	JDC	Review, revise reply brief; finalize and file with court; e-mail to and from T. Smith regarding reply.	5.30	1,934.50
11/13/09	KSH	Draft final revisions to reply to Plaintiff's response to Defendant's motion to dismiss Plaintiff's Complaint.	7.10	2,165.50

Date	Initials	Description	Hours	Amount
11/13/09	TPA	Revise chart of relevant dates and events which detail the total days of unexplained delay that can be attributed to Plaintiff, and compute the percentage of delay that can be attributed to Plaintiff for counsel's review in preparation for drafting Defendant's reply to Plaintiff's response to its motion to dismiss.	0.30	48.00
11/13/09	TPA	Review, cite check and shepardize case law in Defendant's reply brief; obtain copies of unpublished case law cited in Defendant's reply brief for submission; prepare final draft of reply brief for filing with the clerk of court; file the reply brief with the clerk of court.	2.60	416.00
11/16/09	JDC	Review Department of Justice preliminary response to FOIA appeal.	0.20	73.00
11/16/09	KSH	Receive and review voice mail message from the Department of Justice regarding Defendant's FOIA request; revise notice of appearance to prepare for filing.	0.30	91.50
11/16/09	TPA	Prepare notice of appearance for Kelly Hughes and file with the clerk of court per counsel's request.	0.50	80.00
11/17/09	KSH	E-mail correspondence with Terry Smith regarding corporate disclosures.	0.20	61.00
11/20/09	JDC	Review Commission's response to FOIA appeal; prepare letter to T. Smith regarding possible counterclaim.	0.50	182.50
11/23/09	JDC	Review U.S. Department of Justice FOIA response and documents produced by U.S. Department of Justice.	2.30	839.50
11/30/09	JDC	Review Magistrate's recommendation; analysis of basis for objecting to same.	1.90	693.50
11/30/09	KSH	Receive and review Magistrate's Report and Recommendation concerning motion to dismiss; analyze and calculate the applicable deadlines for objections in light of federal rule changes effective December 1, 2009 affecting time calculations.	0.80	244.00

Date	Initials	Description	Hours	Amount
11/30/09	TPA	Prepare update to counsel regarding deadline for submission of Defendant's objections.	0.70	112.00
Total Services			75.70	\$22,517.00

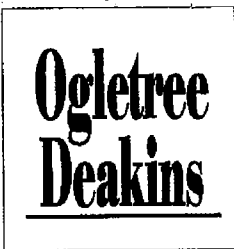
Timekeeper Summary

Timekeeper	Title	Rate	Hours	Amount
John D. Cole	Shareholder	365.00	23.10	8,431.50
Kelly S. Hughes	Associate	305.00	39.10	11,925.50
Thomas P. Alexander	Paralegal	160.00	13.50	2,160.00

Expenses

Description	Amount
Copies	583 @ 0.10 ea. 58.30
Postage	10.39
Computer Research	601.69
Total Expenses	\$670.38

TOTAL FEES	\$22,517.00
TOTAL EXPENSES	\$670.38
TOTAL THIS INVOICE	\$23,187.38



OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Attorneys at Law

Administrative Office
918 South Pleasantburg Drive (29607)
P.O. Box 167
Greenville, South Carolina 29602
Telephone: 864.241.1900
Facsimile: 864.235.4649
www.ogletreedekins.com

January 13, 2010

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

PERSONAL AND CONFIDENTIAL

Invoice # 683468
Matter # 011180-000005

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through December 31, 2009, in connection with the above-referenced matter as outlined on the attached detailed billing sheets:

Fees \$14,265.00
Expenses \$8.88

Total Due This Invoice..... \$14,273.88

December

~~6190-50-905~~ (#)

6190-50-800 (#)

RECEIVED JAN 1 8 2010

ENTERED JAN 1 9 2010

PLEASE REMIT TO: Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Post Office Box 89
Columbia, SC 29202
Federal ID # 57-1044820

Payable upon receipt.

Direct inquiries to the billing attorney or the Account Services Department (864) 241-1900.

Atlanta • Austin • Birmingham • Bloomfield Hills • Boston • Charleston • Charlotte • Chicago • Cleveland • Columbia • Dallas • Greensboro • Greenville • Houston • Indianapolis • Jackson • Kansas City
Los Angeles • Memphis • Miami • Morristown • Nashville • New Orleans • Philadelphia • Phoenix • Pittsburgh • Raleigh • St. Louis • St. Thomas • San Antonio • San Francisco • Tampa • Torrance • Tucson • Washington

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through December 31, 2009:

Date	Initials	Description	Hours	Amount
12/01/09	JDC	Continue review of memorandum and recommendation regarding motion to dismiss and formulate response strategy.	2.00	730.00
12/01/09	KSH	Identify facts and legal conclusions to challenge in objections to Magistrate's memorandum and recommendation; analyze controlling federal authority regarding applicable standard of review in district court's review of Magistrate's memorandum and recommendation.	3.50	1,067.50
12/02/09	JDC	E-mail to T. Smith regarding Magistrate's memorandum and recommendation to file objections.	0.50	182.50
12/07/09	KSH	Analyze case authority presented in Magistrate's memorandum and recommendation.	0.50	152.50
12/10/09	KSH	Continue analysis of case authority presented in Magistrate's memorandum and recommendation to outline arguments to address same in upcoming objections.	2.50	762.50
12/11/09	KSH	Begin drafting objections to Magistrate's memorandum and recommendation.	2.00	610.00
12/14/09	KSH	Draft objections to the Magistrate's memorandum and recommendation.	8.40	2,562.00
12/15/09	KSH	Continue drafting objections to the Magistrate Judge's memorandum and recommendation.	7.30	2,226.50
12/16/09	EP	Cite check Defendant's objections to Magistrate's memorandum and recommendations on Defendant's motion to dismiss to prepare same for filing with court.	1.50	240.00

Date	Initials	Description	Hours	Amount
12/17/09	JDC	Telephone conference with T. Smith regarding objections; review and revise objections to Magistrate's memorandum and recommendation; assist in preparing objections.	5.70	2,080.50
12/17/09	KSH	Draft revisions to objections to Magistrate's memorandum and recommendation.	9.80	2,989.00
12/17/09	TPA	Prepare and file Defendant's objections to Magistrate's memorandum and recommendation regarding Defendant's motion to dismiss per counsel's request.	2.50	400.00
12/22/09	JDC	Review EEOC's motion for extension of time to file response.	0.20	73.00
12/22/09	KSH	Teleconference with T. Smith regarding EEOC's request for extension of time to submit response to objections to Magistrate's memorandum and recommendation and strategy for future settlement discussions.	0.30	91.50
12/22/09	KSH	E-mail correspondence with Randall Huggins from EEOC to communicate Defendant's position with respect to the EEOC's request for extension of time to respond to Defendant's objections to the Magistrate's memorandum and recommendation.	0.20	61.00
12/31/09	JDC	Review order granting EEOC extension of time to file response brief.	0.10	36.50
Total Services			47.00	\$14,265.00

Timekeeper Summary

Timekeeper	Title	Rate	Hours	Amount
John D. Cole	Shareholder	365.00	8.50	3,102.50
Kelly S. Hughes	Associate	305.00	34.50	10,522.50
Thomas P. Alexander	Paralegal	160.00	2.50	400.00
Emily Pacheco	Paralegal	160.00	1.50	240.00

Expenses

Description	Amount
Copies	63 @ 0.10 ea. 6.30
Postage	2.58
Total Expenses	\$8.88

**Ogletree
Deakins**

Page 4
01/13/10
Invoice No. 683468
011180-000005-JDC

TOTAL FEES	\$14,265.00
TOTAL EXPENSES	\$8.88
TOTAL THIS INVOICE	\$14,273.88



Ogleo

February 9, 2010

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

PERSONAL AND CONFIDENTIAL

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Attorneys at Law

Administrative Office
918 South Pleasantburg Drive (29607)
P.O. Box 167
Greenville, South Carolina 29602
Telephone: 864.241.1900
Facsimile: 864.235.4649
www.ogletreedeakins.com

Invoice # 689040
Matter # 011180-000005

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through January 31, 2010, in connection with the above-referenced matter as outlined on the attached detailed billing sheets:

Fees \$3,071.50
Expenses \$48.76

Total Due This Invoice..... \$3,120.26

6190-50 905

ENTERED FEB 17 2010

J

RECEIVED FEB 15 2010

PLEASE REMIT TO: Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Post Office Box 89
Columbia, SC 29202
Federal ID # 57-1044820

Payable upon receipt.

Direct inquiries to the billing attorney or the Account Services Department (864) 241-1900.

Atlanta • Austin • Birmingham • Bloomfield Hills • Boston • Charleston • Charlotte • Chicago • Cleveland • Columbia • Dallas • Denver • Greensboro
Greenville • Houston • Indianapolis • Jackson • Kansas City • Las Vegas • Los Angeles • Memphis • Miami • Morristown • Nashville • New Orleans
Philadelphia • Phoenix • Pittsburgh • Raleigh • St. Louis • St. Thomas • San Antonio • San Francisco • Tampa • Torrance • Tucson • Washington



Page 2
02/09/10
Invoice No. 689040
011180-000005-JDC

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through January 31, 2010:

Date	Initials	Description	Hours	Amount
01/12/10	JDC	Review and analyze EEOC's reply to Defendant's objections to magistrate's recommendation; analyze need for reply.	3.60	1,386.00
01/12/10	KSH	Receive and review EEOC's response to Defendant's objections to the Magistrate's memorandum and recommendation; review federal rules and related authority regarding whether Defendant is entitled to file reply to Plaintiff's response.	2.20	704.00
01/13/10	JDC	Prepare letter to T. Smith regarding Plaintiff's response to objections and filing of reply.	1.30	500.50
01/13/10	KSH	Analyze options with respect to further briefing on Defendant's objections to the Magistrate's memorandum and recommendation.	1.40	448.00
01/29/10	TPA	Analysis of correspondence received from Department of Justice regarding Defendant's appeal; verify cited regulation for counsel, prepare update to file regarding appeal determination.	0.20	33.00
Total Services			8.70	\$3,071.50

Timekeeper Summary

Timekeeper	Title	Rate	Hours	Amount
John D. Cole	Shareholder	385.00	4.90	1,886.50
Kelly S. Hughes	Associate	320.00	3.60	1,152.00
Thomas P. Alexander	Paralegal	165.00	0.20	33.00



Page 3
02/09/10
Invoice No. 689040
011180-000005-JDC

Description	Expenses	Amount
Copies	29 @ 0.10 ea.	2.90
Postage		1.73
Computer Research		44.13
	Total Expenses	\$48.76

TOTAL FEES	\$3,071.50
TOTAL EXPENSES	\$48.76
TOTAL THIS INVOICE	\$3,120.26



OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Attorneys at Law

Administrative Office
918 South Pleasantburg Drive (29607)
P.O. Box 167
Greenville, South Carolina 29602
Telephone: 864.241.1900
Facsimile: 864.235.4649
www.ogletreedeakins.com

March 9, 2010

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

PERSONAL AND CONFIDENTIAL

Invoice # 696418
Matter # 011180-000005

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through February 28, 2010, in connection with the above-referenced matter as outlined on the attached detailed billing sheets:

Fees \$160.00
Expenses \$0.00

Total Due This Invoice..... \$160.00

2015-50 900

ENTERED MAR 25 2010

John Cooley
Chief Financial Officer
MAR 25 2010

PLEASE REMIT TO: Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Post Office Box 89
Columbia, SC 29202
Federal ID # 57-1044820

Payable upon receipt.

Direct inquiries to the billing attorney or the Account Services Department (864) 241-1900.

Atlanta • Austin • Birmingham • Bloomfield Hills • Boston • Charleston • Charlotte • Chicago • Cleveland • Columbia • Dallas • Denver • Greensboro
Greenville • Houston • Indianapolis • Jackson • Kansas City • Las Vegas • Los Angeles • Memphis • Miami • Morristown • Nashville • New Orleans
Philadelphia • Phoenix • Pittsburgh • Raleigh • St. Louis • St. Thomas • San Antonio • San Francisco • Tampa • Torrance • Tucson • Washington



Page 2
03/09/10
Invoice No. 696418
011180-000005-JDC

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

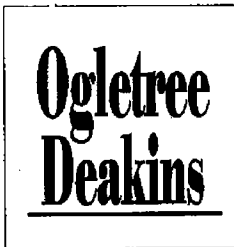
Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through February 28, 2010:

Date	Initials	Description	Hours	Amount
02/17/10	KSH	Review new federal district court decision EEOC v. CRST Van Expedited order awarding attorneys' fees against EEOC for possible use in EEOC v. Propak.	0.50	160.00
Total Services			0.50	\$160.00

Timekeeper Summary				
Timekeeper	Title	Rate	Hours	Amount
Kelly S. Hughes	Associate	320.00	0.50	160.00

TOTAL FEES	\$160.00
TOTAL EXPENSES	\$0.00
TOTAL THIS INVOICE	\$160.00



Ogle001

July 8, 2010

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

PERSONAL AND CONFIDENTIAL

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Attorneys at Law

Administrative Office
918 South Pleasantburg Drive (29607)
P.O. Box 167
Greenville, South Carolina 29602
Telephone: 864.241.1900
Facsimile: 864.235.4649
www.ogletreedeakins.com

Invoice # 723118
Matter # 011180-000005

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through June 30, 2010, in connection with the above-referenced matter as outlined on the attached detailed billing sheets:

Fees \$77.00
Expenses \$0.54

Total Due This Invoice..... \$77.54

2015-50-900

ENTERED JUL 14 2010

PLEASE REMIT TO: Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Post Office Box 89
Columbia, SC 29202
Federal ID # 57-1044820

Payable upon receipt.

Direct inquiries to the billing attorney or the Account Services Department (864) 241-1900.

Atlanta • Austin • Birmingham • Bloomfield Hills • Boston • Charleston • Charlotte • Chicago • Cleveland • Columbia • Dallas • Denver • Greensboro
Greenville • Houston • Indianapolis • Jackson • Kansas City • Las Vegas • Los Angeles • Memphis • Miami • Minneapolis • Morristown • Nashville • New Orleans
Orange County • Philadelphia • Phoenix • Pittsburgh • Raleigh • St. Louis • St. Thomas • San Antonio • San Francisco • Tampa • Torrance • Tucson • Washington



Page 2
07/08/10
Invoice No. 723118
011180-000005-JDC

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through June 30, 2010:

Date	Initials	Description	Hours	Amount
06/21/10	JDC	Review notice of appearance of new EEOC attorney; letter to T. Smith regarding same.	0.20	77.00
		Total Services	0.20	\$77.00

Timekeeper Summary				
Timekeeper	Title	Rate	Hours	Amount
John D. Cole	Shareholder	385.00	0.20	77.00

Expenses				Amount
Description				
Copies	1 @	0.10 ea.		0.10
Postage				0.44
	Total Expenses			\$0.54

TOTAL FEES	\$77.00
TOTAL EXPENSES	\$0.54
TOTAL THIS INVOICE	\$77.54



**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

Attorneys at Law

Administrative Office
918 South Pleasantburg Drive (29607)
P.O. Box 167
Greenville, South Carolina 29602
Telephone: 864.241.1900
Facsimile: 864.235.4649
www.ogletreedeakins.com

September 10, 2010

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

PERSONAL AND CONFIDENTIAL

Invoice # 742481
Matter # 011180-000005

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through August 31, 2010, in connection with the above-referenced matter as outlined on the attached detailed billing sheets:

Fees	\$12,664.00
Expenses	\$110.06
Total Due This Invoice.....	\$12,774.06

2015-50900 #

ENTERED SEP 21 2010

T.S. + JC
Approved
email
10-20-10

PLEASE REMIT TO: Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Post Office Box 89
Columbia, SC 29202
Federal ID # 57-1044820

Payable upon receipt.

Direct inquiries to the billing attorney or the Account Services Department (864) 241-1900.

Atlanta • Austin • Birmingham • Bloomfield Hills • Boston • Charleston • Charlotte • Chicago • Cleveland • Columbia • Dallas • Denver • Greensboro
Greenville • Houston • Indianapolis • Jackson • Kansas City • Las Vegas • Los Angeles • Memphis • Miami • Minneapolis • Morristown • Nashville • New Orleans
Orange County • Philadelphia • Phoenix • Pittsburgh • Portland • Raleigh • St. Louis • St. Thomas • San Antonio • San Francisco • Tampa • Torrance • Tucson • Washington

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through August 31, 2010:

Date	Initials	Description	Hours	Amount
08/06/10	JDC	Review order denying motion to dismiss, but requesting parties notify court if desire to submit as summary judgment on laches; analysis of same; review prior court submissions by EEOC on laches issue.	3.60	1,386.00
08/06/10	KSH	Receive and review District Court's decision on Defendant's motion to dismiss; discuss potential strategies for summary judgment motion with John Cole in light of Court's order to determine recommendations for client.	0.60	192.00
08/06/10	TPA	Review Court's order regarding Defendant's motion to dismiss in order to identify relevant dates for submission of responsive pleadings and prepare update to counsel.	0.20	33.00
08/09/10	JDC	Continued analysis of court decision and whether to file motion for summary judgment; review case law on laches and procedural posture of cases.	2.10	808.50
08/10/10	JDC	Analysis of court decision and e-mail to T. Smith regarding same; telephone conference with A. Gruber (EEOC) regarding court decision.	1.50	577.50
08/13/10	JDC	Continued review/analysis of motion to dismiss, EEOC response, reply and judge's ruling to determine whether to resubmit as summary judgment.	1.40	539.00
08/16/10	RSP	Discuss strategy regarding possible conversion of motion to dismiss to motion for summary judgment with John Cole.	0.30	120.00

Date	Initials	Description	Hours	Amount
08/16/10	KSH	Analyze Court's order to determine whether to recommend moving forward with summary judgment at this juncture or hold off on summary judgment until discovery can be conducted.	0.50	160.00
08/17/10	JDC	Conference with K. Hughes regarding proceeding with discovery or renewing summary judgment; analysis of same.	1.50	577.50
08/17/10	KSH	Analyze federal authority regarding the "law of the case" doctrine to determine whether Defendant will be foreclosed from submitting second motion for summary judgment in the event Defendant requested the Court convert the pending motion to dismiss to summary judgment and denies the then-converted summary judgment motion.	1.80	576.00
08/17/10	KSH	Review pleadings and Court's order to continue analysis regarding whether to request Court convert motion to dismiss into motion for summary judgment.	1.70	544.00
08/18/10	JDC	Conference with K. Hughes regarding response to court request regarding summary judgment; analysis of issues.	1.20	462.00
08/18/10	KSH	Strategy analysis of possible response to Court's order requesting parties to submit notification to Court regarding intent to proceed with summary judgment.	0.50	160.00
08/19/10	JDC	Telephone conference with T. Smith regarding court order and refile as summary judgment.	0.50	192.50
08/19/10	KSH	Continue to analyze the benefits and risks of moving forward with summary judgment on laches issue prior to discovery.	0.50	160.00
08/20/10	JDC	Review EEOC notice filed with court to proceed with discovery on laches issue; continued analysis of court order and whether to submit as summary judgment and submit additional evidence; analysis of evidence to submit; telephone conference with T. Smith regarding same; prepare notification to court of submission of summary judgment as to laches.	5.50	2,117.50

Date	Initials	Description	Hours	Amount
08/20/10	KSH	Receive and review Plaintiff's notice to Court regarding August 6, 2010 order; determine strategy for responding to same.	0.50	160.00
08/20/10	KSH	Teleconference with Judge Reidinger's clerk, Martha Williams, regarding the August 6, 2010 order.	0.20	64.00
08/20/10	KSH	Draft Defendant's notice to Court pursuant to August 6, 2010 order; e-mail correspondence with Terry Smith regarding same.	0.60	192.00
08/20/10	TPA	Review, Plaintiff's notice to the court regarding decision to move forward with discovery in order to identify deficiencies to be addressed in Defendant's notice to the court; revise Defendant's notice to the court in preparation for filing; file Defendant's notice with the clerk of court per counsel's request.	0.30	49.50
08/25/10	JDC	Review facts and arguments needed for summary judgment on laches; review Quintois EEOC charge document; meeting with K. Hughes regarding same.	3.20	1,232.00
08/25/10	KSH	Conference with John Cole regarding strategy for summary judgment brief; conference call with Martha Williams, Judge Reidinger's clerk, regarding Court's issuance of scheduling order for summary judgment briefing.	0.40	128.00
08/27/10	JDC	Continued research of summary judgment arguments and evidence needed; conference with K. Hughes regarding same; preparing letter to T. Smith regarding same.	5.80	2,233.00
Total Services			34.40	\$12,664.00

Timekeeper Summary

Timekeeper	Title	Rate	Hours	Amount
Robert S. Phifer	Shareholder	400.00	0.30	120.00
John D. Cole	Shareholder	385.00	26.30	10,125.50
Kelly S. Hughes	Associate	320.00	7.30	2,336.00
Thomas P. Alexander	Paralegal	165.00	0.50	82.50

Description	Expenses	Amount
Copies	169 @ 0.10 ea.	16.90
Postage		0.61
Computer Research		92.55
	Total Expenses	\$110.06

TOTAL FEES	\$12,664.00
TOTAL EXPENSES	\$110.06
TOTAL THIS INVOICE	\$12,774.06



Ogletree

October 6, 2010

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

Attorneys at Law

Administrative Office
918 South Pleasantburg Drive (29607)
P.O. Box 167
Greenville, South Carolina 29602
Telephone: 864.241.1900
Facsimile: 864.235.4649
www.ogletreedeakins.com

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

PERSONAL AND CONFIDENTIAL

Invoice # 746509
Matter # 011180-000005

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through September 30, 2010, in connection with the above-referenced matter as outlined on the attached detailed billing sheets:

Fees	\$5,162.00
Expenses	\$68.33
Total Due This Invoice.....	\$5,230.33

2015-50-9000

RECEIVED OCT 11 2010

ENTERED OCT 18 2010
TS + SC
Approved
email
10-20-10

PLEASE REMIT TO: Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Post Office Box 89
Columbia, SC 29202
Federal ID # 57-1044820

Payable upon receipt.

Direct inquiries to the billing attorney or the Account Services Department (864) 241-1900.

Atlanta • Austin • Birmingham • Bloomfield Hills • Boston • Charleston • Charlotte • Chicago • Cleveland • Columbia • Dallas • Denver • Greensboro
Greenville • Houston • Indianapolis • Jackson • Kansas City • Las Vegas • Los Angeles • Memphis • Miami • Minneapolis • Morristown • Nashville • New Orleans
Orange County • Philadelphia • Phoenix • Pittsburgh • Portland • Raleigh • St. Louis • St. Thomas • San Antonio • San Francisco • Tampa • Torrance • Tucson • Washington

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through September 30, 2010:

Date	Initials	Description	Hours	Amount
09/07/10	TPA	Review Court's order regarding briefing schedule for discovery and laches issues in order to identify relevant dates for submission of responsive pleadings and to prepare update to counsel.	0.30	49.50
09/09/10	JDC	Receive and review order.	0.50	192.50
09/09/10	KSH	Analysis of Court's September 7, 2010 order to determine whether any preemptive research is necessary prior to receiving EEOC's Court-ordered response delineating discovery it believes necessary on laches issue.	0.50	160.00
09/22/10	KSH	Initial review of the EEOC's responses to Court's requests for information regarding discovery needed and production of administrative file.	0.30	96.00
09/23/10	JDC	Review/analyze EEOC response to discovery on laches and EEOC response to production of administrative record; outline possible responses.	6.90	2,656.50
09/23/10	TPA	Review EEOC's response to court regarding discovery on issue of laches in order to identify pertinent issues for Propak to address in their response; review EEOC's response regarding production of the EEOC's administrative file and attachments to determine which documents are being withheld.	0.40	66.00
09/24/10	TPA	Review administrative file produced by EEOC and prepare update to counsel.	0.80	132.00
09/27/10	JDC	Initial review of EEOC administrative file produced to court.	2.60	1,001.00
09/28/10	JDC	Review/analysis of administrative record from EEOC.	2.10	808.50



Page 3
10/06/10

Invoice No. 746509
011180-000005-JDC

Total Services	14.40	\$5,162.00
----------------	-------	------------

Timekeeper Summary

Timekeeper	Title	Rate	Hours	Amount
John D. Cole	Shareholder	385.00	12.10	4,658.50
Kelly S. Hughes	Associate	320.00	0.80	256.00
Thomas P. Alexander	Paralegal	165.00	1.50	247.50

Expenses

Description		Amount
Copies	584 @ 0.10 ea.	58.40
Postage		9.93
Total Expenses		\$68.33

TOTAL FEES	\$5,162.00
TOTAL EXPENSES	\$68.33
TOTAL THIS INVOICE	\$5,230.33



OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Attorneys at Law

Administrative Office
918 South Pleasantburg Drive (29607)
P.O. Box 167
Greenville, South Carolina 29602
Telephone: 864.241.1900
Facsimile: 864.235.4649
www.ogletreedeakins.com

November 5, 2010

Laura Lind, Accounts Payable
Propak Logistics, Inc.
PO Box 11708
Fort Smith, AR 72917

PERSONAL AND CONFIDENTIAL

Invoice # 754748
Matter # 011180-000005

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through October 31, 2010, in connection with the above-referenced matter as outlined on the attached detailed billing sheets:

Fees	\$13,616.50
Expenses	\$73.64
Total Due This Invoice.....	\$13,690.14



PLEASE REMIT TO: Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Post Office Box 89
Columbia, SC 29202
Federal ID # 57-1044820

Payable upon receipt.

Direct inquiries to the billing attorney or the Account Services Department (864) 241-1900.

Atlanta • Austin • Birmingham • Bloomfield Hills • Boston • Charleston • Charlotte • Chicago • Cleveland • Columbia • Dallas • Denver • Greensboro
Greenville • Houston • Indianapolis • Jackson • Kansas City • Las Vegas • Los Angeles • Memphis • Miami • Minneapolis • Morristown • Nashville • New Orleans
Orange County • Philadelphia • Phoenix • Pittsburgh • Portland • Raleigh • St. Louis • St. Thomas • San Antonio • San Francisco • Tampa • Torrance • Tucson • Washington



Page 2

11/05/10

Invoice No. 754748

011180-000005-JDC

Laura Lind, Accounts Payable
 Propak Logistics, Inc.
 PO Box 11708
 Fort Smith, AR 72917

Re: EEOC v. Propak Logistics, Inc.

For professional services rendered through October 31, 2010:

Date	Initials	Description	Hours	Amount
10/05/10	JDC	Review EEOC response regarding discovery on laches, and response regarding filing administrative file and documents submitted; conference with K. Hughes regarding response arguments; review outline of arguments.	7.70	2,964.50
10/05/10	KSH	Analyze EEOC's administrative file.	2.10	672.00
10/05/10	KSH	Analyze federal and state authority regarding lessened burden to show prejudice in light of greater delay.	1.40	448.00
10/05/10	KSH	Identify arguments for inclusion in reply to the EEOC's response regarding discovery on issue of laches; draft outline of same.	2.70	864.00
10/06/10	JDC	Continued review of EEOC responses and arguments for reply.	6.50	2,502.50
10/06/10	KSH	Work on Defendant's reply to EEOC's response regarding discovery on issue of laches.	1.50	480.00
10/07/10	JDC	Preparation of reply to EEOC response regarding discovery on laches and production of administrative file; e-mails to and from T. Smith regarding reply.	7.80	3,003.00
10/07/10	KSH	Continued work on Defendant's reply to Plaintiff's response regarding discovery on issue of laches.	2.70	864.00
10/07/10	KSH	Revise Defendant's reply to Plaintiff's response regarding discovery on issue of laches.	4.60	1,472.00

**Ogletree
Deakins**

Page 3

11/05/10

Invoice No. 754748

011180-000005-IDC

Date	Initials	Description	Hours	Amount
10/07/10	TPA	Review, cite check, shepardize and revise Defendant's reply to EEOC's response regarding discovery on issue of laches in preparation for filing with the clerk of court. file Defendant's reply to EEOC's response regarding discovery on issue of laches with the clerk of court per counsel's request.	2.10	346.50
Total Services			39.10	\$13,616.50

Timekeeper Summary

Timekeeper	Title	Rate	Hours	Amount
John D. Cole	Shareholder	385.00	22.00	8,470.00
Kelly S. Hughes	Associate	320.00	15.00	4,800.00
Thomas P. Alexander	Paralegal	165.00	2.10	346.50

Expenses

Description	Amount
Copies	230 @ 0.10 ea. 23.00
Postage	0.61
Computer Research	50.03
Total Expenses	\$73.64

TOTAL FEES	\$13,616.50
TOTAL EXPENSES	\$73.64
TOTAL THIS INVOICE	\$13,690.14

NEXSEN|PRUET

Nexs000

John D. Cole
Member
Admitted in NC, SC, GA

RECEIVED
NOV 07 2011

BY:.....

November 2, 2011

3 = installments

Begin after 11-24-11

Terry Smith
Propak Logistics, Inc.
5000 Rogers Ave., Ste. 800
Ft. Smith, AK 72903

\$13,422.13 we 11-25-11

13,422.13 we 12-2-11

13,422.12 we 12-9-11

Re: EEOC Case No. 1:09-cv-311
Our File No. 049204-00001

Charleston

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

Myrtle Beach

Raleigh

Dear Terry:

2015-50-900

Enclosed is our statement for the period ending October 18, 2011. If you have any questions, please do not hesitate to contact me.

Very truly yours,



John D. Cole

JDC/cjc

ENTERED NOV 11 2011

Please send remittance to:

Nexsen Pruet, LLC
Post Office Drawer 2426
Columbia, SC 29202
ID# 048855-00001

227 W. Trade Street
Suite 1550
Charlotte, NC 28202
www.nexsenpruet.com

T 704.338.8351
F 704.338.5377
E J.Cole@nexsenpruet.com
Nexsen Pruet, PLLC
Attorneys and Counselors at Law

NEXSEN | PRUET

IRS # 570386425

PROPAK LOGISTICS, INC.
TERRY SMITH
5000 ROGERS AVE., STE. 800
FT. SMITH, AK 72903

Remit Address:
Post Office Drawer 2426
Columbia, SC 29202

Matter No. 049204-00001
Invoice No. 53447984
Invoice Date October 31, 2011
Attorney JD COLE

Re: EEOC CASE NO. 1:09CV311

For Professional Services Rendered Through October 18, 2011.
PLEASE SEE REVERSE FOR DETAILS.

Current Charges\$40,266.38

New Balance\$40,266.38

ALL BILLS ARE DUE AND PAYABLE IN FULL UPON RECEIPT OF THIS INVOICE. A LATE PAYMENT CHARGE
OF 1 1/2% PER MONTH WILL BE ADDED TO ANY BALANCE REMAINING UNPAID 30 DAYS AFTER THE
BILLING DATE.

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

Invoice Date: 10/31/11

Invoice No. 53447984

Matter No. 049204-00001

FEES

Date	Timekeeper	Description	Hours	Amount
08/22/11	JDC	REVIEW COURT ORDER. PHONE CONFERENCE WITH T. SMITH REGARDING THE ORDER.	0.50	170.00
08/23/11	JDC	PHONE CONFERENCE WITH T. SMITH REGARDING COURT ORDER.	0.50	170.00
08/29/11	CGP	REVIEW ORDER; ANALYSIS OF ISSUES; CONFERENCE WITH MR. COLE REGARDING STRATEGY.	2.70	702.00
08/29/11	JDC	STRATEGY MEETING WITH G. PIERCE CONCERNING RECENT COURT ORDER AND LEGAL ISSUES GOING FORWARD PRIOR TO FILING SUMMARY JUDGMENT ON LACHES ISSUES. REVIEW ADMINISTRATIVE RECORD AND DOCUMENTS PRODUCED BY EEOC IN CONJUNCTION WITH SAME. REVIEW MOTIONS HISTORY. DEVELOP STRATEGY FOR 45 DAY DISCOVERY PERIOD.	7.20	2,448.00
09/06/11	JDC	TELEPHONE CONFERENCE WITH A. GARBER AT EEOC REGARDING DEPOSITIONS.	0.10	34.00
09/07/11	CGP	CONFERENCE WITH MR. COLE REGARDING DISCOVERY ISSUES.	0.20	52.00
09/07/11	JDC	TELEPHONE CONFERENCE WITH A. GARBER AT EEOC REGARDING DEPOSITIONS; TELEPHONE CONFERENCE WITH MR. SMITH REGARDING SAME; REVIEW ORDER; DEPOSITION STRATEGY.	1.50	510.00
09/12/11	JDC	TELEPHONE CONFERENCE WITH A. GARBER REGARDING DEPOSITIONS AND LOCATION OF DEPOSITIONS. EMAIL TO T. SMITH REGARDING STRATEGY; REVIEW EMAIL FROM T. SMITH.	0.50	170.00
09/13/11	JDC	TELEPHONE CONFERENCE WITH A. GARBER; TELEPHONE CONFERENCE WITH T. SMITH.	0.50	170.00
09/14/11	JDC	PREPARE FOR HAMILTON 30(B)(6)	5.80	1,972.00

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

Date	Timekeeper	Description	Hours	Amount
09/15/11	JDC	DEPOSITIONS. REVIEW DOJ FOIA DOCUMENTS AND D. DAVIS DEPOSITION BEFORE DOJ; RESEARCH EVIDENCE NEEDED TO ESTABLISH LACHES DEFENSE IN ANTICIPATION OF RULE 30(B)(6) DEPOSITION.	6.80	2,312.00
09/16/11	JDC	REVIEW CASE LAW ON REQUIRED EVIDENCE TO ESTABLISH PREJUDICE ON LACHES DEFENSE.	5.30	1,802.00
09/22/11	JDC	REVIEW EEOC NOTICES OF DEPOSITION FOR L. HAMILTON AND CORPORATE 30(B)(6) DEPOSITION; REVIEW D. DAVIS DEPOSITION BEFORE DOJ.	5.10	1,734.00
09/23/11	JDC	TELEPHONE CONFERENCE WITH T. SMITH REGARDING EEOC - 30(B)(6) NOTICE AND TOPICS, AS WELL AS DEPOSITION STRATEGY.	0.30	102.00
09/26/11	JDC	REVIEW RESEARCH ON LACHES DEFENSE.	3.20	1,088.00
09/29/11	JDC	PREPARE LETTER TO EEOC REGARDING PRODUCTION OF DOCUMENTS.	0.30	102.00
09/29/11	JDC	PREPARE FOR UPCOMING DEPOSITIONS.	4.10	1,394.00
09/30/11	CGP	CONFERENCE WITH MR. COLE REGARDING DEPOSITION ISSUES.	0.30	78.00
09/30/11	JDC	PREPARE FOR 30(B)(6) DEPOSITION AND HAMILTON DEPOSITION; REVIEW POSSIBLE OBJECTIONS TO 30(B)(6) TOPICS.	8.20	2,788.00
10/03/11	CGP	ANALYSIS OF RULE 30(B)(6) DEPOSITION ISSUES.	0.50	130.00
10/03/11	JDC	PREPARE FOR 30(B)(6) AND HAMILTON DEPOSITIONS; REVIEW LACHES CASES; TELEPHONE CONFERENCE WITH T. SMITH; PREPARE LETTER TO EEOC REGARDING OBJECTIONS TO RULE 30(B)(6) DEPOSITION TOPICS.	9.50	3,230.00
10/04/11	JDC	PREPARE FOR WITNESS INTERVIEWS AND DEPOSITIONS.	9.00	3,060.00
10/05/11	JDC	PREPARE WITNESSES; PREPARE FOR DEPOSITIONS.	8.50	2,890.00
10/06/11	JDC	PREPARE FOR DEPOSITIONS; DEFEND DEPOSITIONS OF LEAH HAMILTON AND RULE 30(B)(6) DEPOSITION.	7.50	2,550.00

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

Date	Timekeeper	Description	Hours	Amount
10/07/11	JDC	TRAVEL TO CHARLOTTE, NORTH CAROLINA FROM FAYETTEVILLE, ARKANSAS.	7.00	2,380.00
10/10/11	JDC	TELEPHONE CONFERENCE WITH COURT REPORTER REGARDING DEPOSITION TRANSCRIPTS.	0.20	68.00
10/13/11	CGP	CONFERENCE WITH MR. COLE REGARDING SUMMARY JUDGMENT ISSUES AND ANALYSIS OF ISSUES REGARDING SAME.	0.40	104.00
10/13/11	JDC	REVIEW EMAIL FROM COURT REPORTER WITH DEPOSITION TRANSCRIPTS. INITIAL REVIEW OF TRANSCRIPTS. BEGIN PREPARING SUMMARY JUDGMENT MOTION.	4.40	1,496.00
10/13/11	CJC	ANALYZE AND SUMMARIZE DOCUMENT PRODUCTION PRODUCED ON CD BY THE EEOC ON 10/4/11 FOR ATTORNEY REFERENCE IN PREPARATION FOR DRAFTING MOTION FOR SUMMARY JUDGMENT ON ISSUE OF LACHES.	5.00	675.00
10/14/11	JDC	BEGIN PREPARING MOTION FOR SUMMARY JUDGMENT ON LACHES DEFENSE. EMAIL TO T. SMITH REGARDING USE OF AFFIDAVITS. CONFERENCE WITH D. HARPER REGARDING UPDATED RESEARCH.	6.20	2,108.00
10/14/11	DLH	UPDATE LEGAL RESEARCH ON ISSUE OF PREJUDICE TO DEFENDANT WHEN PURSUING LACHES DEFENSE AGAINST EEOC IN TITLE VII ACTION.	2.30	471.50
10/14/11	CJC	CONTINUE TO ANALYZE AND SUMMARIZE DOCUMENT PRODUCTION PRODUCED ON CD BY THE EEOC ON 10/4/11 FOR ATTORNEY REFERENCE IN PREPARATION FOR DRAFTING MOTION FOR SUMMARY JUDGMENT ON ISSUE OF LACHES.	5.00	675.00
10/15/11	JDC	REVIEW DEPOSITION TRANSCRIPTS OF L. HAMILTON AND 30(B)(6) DEPOSITION.	1.10	374.00
10/17/11	JDC	TELEPHONE CONFERENCE WITH T. SMITH REGARDING POSSIBLE PONDER AFFIDAVIT.	0.30	102.00
10/17/11	DLH	FURTHER RESEARCH LAW ON LACHES	2.70	553.50

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

Date	Timekeeper	Description	Hours	Amount
		DEFENSE AND PREJUDICE TO DEFENDANT FOR DELAY IN FILING TITLE VII ACTION.		
10/18/11	CGP	CONFERENCE WITH MR. COLE REGARDING MOTION; REVIEW MOTION.	0.20	52.00
10/18/11	JDC	TELEPHONE CONFERENCE WITH T. SMITH REGARDING SUMMARY JUDGMENT. TELEPHONE CONFERENCE WITH PLAINTIFF'S COUNSEL REGARDING EXTENSION OF TIME TO FILE BRIEF. PREPARE MOTION FOR EXTENSION OF TIME AND PROPOSED ORDER. PREPARE LETTER TO L. HAMILTON AND D. DAVIS REGARDING REVIEW OF DEPOSITION TRANSCRIPTS.	3.90	1,326.00
Total Fees:				\$40,043.00

EXPENSES

Date	Description	Amount
09/01/11	COPIES	3.00
09/07/11	COPIES	0.20
09/21/11	WESTLAW RESEARCH 09-15-2011 RESEARCH BY JOHN COLE	46.23
09/29/11	COPIES	0.10
09/30/11	POSTAGE	0.44
10/03/11	COPIES	0.20
10/10/11	POSTAGE	0.44
10/18/11	COPIES	2.60
10/18/11	COPIES	0.60
10/18/11	COPIES	4.40
10/18/11	WESTLAW RESEARCH 10-14-2011 RESEARCH BY DEDRIA HARPER	150.15
10/18/11	WESTLAW RESEARCH 10-17-2011 RESEARCH BY DEDRIA HARPER	15.02
Total Expenses:		\$223.38

TIME SUMMARY RECAP

Timekeeper	Title	Hours	Rate	Amount
CG PIERCE JR.	PARTNER	4.30	\$260.00	\$1,118.00
JD COLE	COUNSEL	107.50	\$340.00	\$36,550.00
DL HARPER	ASSOCIATE	5.00	\$205.00	\$1,025.00
CJ CYR	LEGAL ASSISTANT	10.00	\$135.00	\$1,350.00

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN|PRUET

Timekeeper	Title	Hours	Rate	Amount
Total:		126.80		\$40,043.00

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

IRS # 570386425

PROPAK LOGISTICS, INC.
TERRY SMITH
5000 ROGERS AVE., STE. 800
FT. SMITH, AK 72903

Remit Address:
Post Office Drawer 2426
Columbia, SC 29202

Matter No. 049204-00001
Invoice No. 53447984
Invoice Date October 31, 2011
Attorney JD COLE

Re: EEOC CASE NO. 1:09CV311

For Professional Services Rendered Through October 18, 2011
PLEASE SEE REVERSE FOR DETAILS.

Current Charges\$40,266.38
New Balance\$40,266.38

ALL BILLS ARE DUE AND PAYABLE IN FULL UPON RECEIPT OF THIS INVOICE. A LATE PAYMENT CHARGE
OF 1 1/2% PER MONTH WILL BE ADDED TO ANY BALANCE REMAINING UNPAID 30 DAYS AFTER THE
BILLING DATE.

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

IRS # 570386425

PROPAK LOGISTICS, INC.
TERRY SMITH
5000 ROGERS AVE., STE. 800
FT. SMITH, AK 72903

Remit Address:

Post Office Drawer 2426
Columbia, SC 29202

Matter No. 049204-00001
Invoice No. 53447984
Invoice Date October 31, 2011
Attorney JD COLE

Re: EEOC CASE NO. 1:09CV311

For Professional Services Rendered Through October 18, 2011

PLEASE SEE REVERSE FOR DETAILS.

Current Charges\$40,266.38

New Balance\$40,266.38

ALL BILLS ARE DUE AND PAYABLE IN FULL UPON RECEIPT OF THIS INVOICE. A LATE PAYMENT CHARGE
OF 1 1/2% PER MONTH WILL BE ADDED TO ANY BALANCE REMAINING UNPAID 30 DAYS AFTER THE
BILLING DATE.

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

December 21, 2011

Invoice No. 53454486

Matter: 049204-00001

PROPAK LOGISTICS, INC.
TERRY SMITH
5000 ROGERS AVE., STE. 800
FT. SMITH, AK 72903

Re: EEOC CASE NO. 1:09CV311

Enclosed please find our statement for the period ending December 18, 2011. We trust that you will find this statement to be in order and will place it in line for payment.

If you have any questions, please do not hesitate to contact us. You can also reach our finance department at 803-253-8242.

Very truly yours,

Nexsen Pruet, LLC

PLEASE SEND REMITTANCE TO: **NEXSEN PRUET, LLC**
Attorneys and Counselors at Law
Post Office Drawer 2426
Columbia SC 29202
ID# 049204-00001

227 WEST TRADE STREET, SUITE 1550, CHARLOTTE, NC (28202)
704-339-0304 • FAX 704-339-5377
www.NexsenPruet.com

OFFICES ALSO IN:

CHARLESTON,
SC

COLUMBIA,
SC

GREENSBORO,
NC

GREENVILLE,
SC

HILTON HEAD,
SC

MYRTLE BEACH,
SC

RALEIGH,
NC

NEXSEN | PRUET

NEX5000

IRS # 570386425

PROPAK LOGISTICS, INC.
TERRY SMITH
5000 ROGERS AVE., STE. 800
FT. SMITH, AK 72903

Remit Address:
Post Office Drawer 2426
Columbia, SC 29202

Matter No. 049204-00001
Invoice No. 53454486
Invoice Date December 21, 2011
Attorney JD COLE

Re: EEOC CASE NO. 1:09CV311

For Professional Services Rendered Through December 18, 2011.

PLEASE SEE REVERSE FOR DETAILS.

Previous Balance \$13,623.45
Current Charges..... \$46,937.72
New Balance..... \$60,561.17

2015-50 920

ENTERED MAR 13 2012

ALL BILLS ARE DUE AND PAYABLE IN FULL UPON RECEIPT OF THIS INVOICE. A LATE PAYMENT CHARGE
OF 1 1/2% PER MONTH WILL BE ADDED TO ANY BALANCE REMAINING UNPAID 30 DAYS AFTER THE
BILLING DATE.

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

Invoice Date: 12/21/11

Invoice No. 53454486

Matter No. 049204-00001

FEES

Date	Timekeeper	Description	Hours	Amount
10/19/11	JDC	REVIEW ORDER GRANTING EXTENSION AND EMAIL T. SMITH; REVIEW DOCUMENTS PRODUCED BY EEOC.	3.20	1,088.00
10/20/11	JDC	PREPARE SUMMARY JUDGMENT MOTION AND BRIEF.	4.90	1,666.00
10/20/11	CJC	ANALYZE AND SUMMARIZE DOCUMENT PRODUCTION PRODUCED BY THE EEOC ON 10/5/11 (500+ HARD COPIES) FOR ATTORNEY REFERENCE IN PREPARATION FOR DRAFTING MOTION FOR SUMMARY JUDGMENT ON ISSUE OF LACHES.	3.00	405.00
10/21/11	CGP	CONFERENCE WITH MR. COLE REGARDING SUMMARY JUDGMENT ISSUES AND ANALYSIS OF SAME.	0.40	104.00
10/21/11	JDC	CONTINUE TO PREPARE SUMMARY JUDGMENT MOTION AND BRIEF; LEGAL RESEARCH.	6.10	2,074.00
10/21/11	CJC	CONTINUE TO ANALYZE AND SUMMARIZE DOCUMENT PRODUCTION PRODUCED BY THE EEOC ON 10/5/11 (500+ HARD COPIES) FOR ATTORNEY REFERENCE IN PREPARATION FOR DRAFTING MOTION FOR SUMMARY JUDGMENT ON ISSUE OF LACHES.	2.50	337.50
10/25/11	JDC	CONTINUE TO PREPARE SUMMARY JUDGMENT MOTION AND MEMORANDUM IN SUPPORT OF SUMMARY JUDGMENT MOTION; IDENTIFY PORTIONS OF 30(B)(6) DEPOSITION TRANSCRIPT AND L. HAMILTON DEPOSITION TO USE IN SUPPORT OF MOTION.	8.00	2,720.00
10/26/11	CGP	CONFERENCE WITH MR. COLE REGARDING SUMMARY JUDGMENT BRIEF AND ANALYSIS OF ISSUES REGARDING SAME.	0.70	182.00
10/26/11	JDC	PREPARE MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT.	8.60	2,924.00

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

Date	Timekeeper	Description	Hours	Amount
10/26/11	DLH	RESEARCH CASE LAW ON LACHES	1.10	225.50
		DEFENSE AND UNDUE PREJUDICE TO		
		EMPLOYER FOR FAILURE TO TIMELY		
		BRING AN ACTION UNDER TITLE VII		
10/27/11	CGP	ANALYSIS OF SUMMARY JUDGMENT	3.80	988.00
		ISSUES; RESEARCH REGARDING		
		SUMMARY JUDGMENT ISSUES.		
10/27/11	JDC	CONTINUE TO PREPARE MOTION FOR	9.20	3,128.00
		SUMMARY JUDGMENT AND		
		SUPPORTING BRIEF.		
10/27/11	DLH	RESEARCH STANDARD OF FAILURE TO	2.00	410.00
		PROSECUTE DEFENSE AND WHETHER		
		ARGUMENTS CAN BE USED IN LACHES		
		DEFENSE.		
10/28/11	CGP	ADDITIONAL LEGAL RESEARCH	2.50	650.00
		REGARDING LACHES; REVIEW AND		
		REVISE SUMMARY JUDGMENT MOTION		
		AND BRIEF; COMMUNICATE WITH MR.		
		COLE REGARDING SAME.		
10/28/11	JDC	PREPARE AND FINALIZE MOTION FOR	8.40	2,856.00
		SUMMARY JUDGMENT AND		
		SUPPORTING MEMORANDUM;		
		TELEPHONE CONFERENCE WITH T.		
		SMITH REGARDING SAME.		
11/01/11	JDC	REVIEW COURT ORDER REGARDING	0.10	34.00
		PLAINTIFF'S DEADLINE TO RESPOND TO		
		SUMMARY JUDGMENT ON ISSUE OF		
		LACHES.		
11/16/11	JDC	REVIEW QUESTIONS FROM LEAH	0.50	170.00
		HAMILTON REGARDING DEPOSITION		
		TRANSCRIPT PRIOR TO HER SIGNING.		
11/17/11	JDC	REVIEW PLAINTIFF'S RESPONSE BRIEF	2.20	748.00
		IN OPPOSITION TO DEFENDANT'S		
		MOTION FOR SUMMARY JUDGMENT.		
11/18/11	JDC	ANALYSIS OF PLAINTIFF'S RESPONSE TO	5.70	1,938.00
		SUMMARY JUDGMENT. REVIEW AND		
		ANALYSIS OF CASES CITED IN		
		RESPONSE BRIEF.		
11/21/11	JDC	BEGIN PREPARING REPLY BRIEF.	4.70	1,598.00
11/22/11	CGP	REVIEW AND ANALYSIS OF RESPONSE	0.90	234.00
		BRIEF; CONFERENCE WITH MR. COLE		
		REGARDING SAME.		
11/22/11	JDC	CONTINUE TO PREPARE REPLY BRIEF.	3.50	1,190.00
11/28/11	CGP	CONFERENCE WITH MR. COLE	0.30	78.00

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

Date	Timekeeper	Description	Hours	Amount
		REGARDING REPLY BRIEF; TELEPHONE CONFERENCE TO EEOC ATTORNEY REGARDING SAME.		
11/28/11	JDC	CONTINUE TO PREPARE REPLY BRIEF ARGUMENTS.	7.90	2,686.00
11/29/11	JDC	CONTINUE TO PREPARE REPLY BRIEF ARGUMENTS. TELEPHONE CONFERENCE WITH TERRY SMITH.	8.80	2,992.00
11/30/11	CGP	TELEPHONE CONFERENCE WITH EEOC ATTORNEY REGARDING EXTENSION OF TIME; CONFERENCE WITH MR. COLE.	0.30	78.00
11/30/11	JDC	CONTINUE TO PREPARE REPLY BRIEF ARGUMENTS. DRAFT MOTION FOR EXTENSION OF TIME. REVIEW COURT'S ORDER GRANTING SAME.	5.20	1,768.00
12/02/11	JDC	LEGAL ANALYSIS OF CASES CITED BY PLAINTIFF IN RESPONSE BRIEF IN CONJUNCTION WITH PREPARATION OF REPLY BRIEF.	3.00	1,020.00
12/05/11	JDC	RESEARCH AND PREPARATION OF REPLY BRIEF.	6.80	2,312.00
12/06/11	JDC	RESEARCH AND PREPARATION FOR REPLY BRIEF.	6.60	2,244.00
12/07/11	JDC	DRAFT REPLY BRIEF.	7.60	2,584.00
12/07/11	DLH	RESEARCH AND PRINT CASES FOR DISTINGUISHING IN BRIEF	0.20	41.00
12/08/11	CGP	REVIEW AND REVISE REPLY BRIEF; CONFERENCE WITH MR. COLE REGARDING REGARDING SAME.	1.20	312.00
12/08/11	JDC	FINAL REVISIONS TO REPLY BRIEF. TELEPHONE CONFERENCE WITH TERRY SMITH REGARDING REVISIONS. E-MAIL TO TERRY SMITH REGARDING SAME.	8.30	2,822.00
Total Fees:				\$44,607.00

EXPENSES

Date	Description	Amount
10/20/11	COPIES	1.50
10/20/11	COURT TRANSCRIPTS	116.00
10/21/11	MEETING EXPENSES	36.04
10/21/11	TRAVEL EXPENSE	1,312.51
10/26/11	COPIES	3.00
10/26/11	COPIES	3.00

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

Date	Description	Amount
10/27/11	COPIES	3.80
10/27/11	COPIES	0.20
10/27/11	COPIES	2.80
10/28/11	CONTRACT COPIES	315.10
10/28/11	COPIES	0.80
10/28/11	COPIES	4.40
11/01/11	WESTLAW RESEARCH 10-27-2011 RESEARCH BY DEBRIA HARPER	156.67
11/01/11	WESTLAW RESEARCH 10-27-2011 RESEARCH BY GRAINGER PIERCE	189.35
11/03/11	COPIES	0.20
11/07/11	EXPRESS PACKAGE DELIVERY	20.27
11/17/11	COPIES	6.60
11/17/11	COPIES EEOC's Brief in	6.60
11/17/11	WESTLAW RESEARCH 11-11-2011 RESEARCH BY JOHN COLE	28.02
11/18/11	COPIES	4.70
11/28/11	WESTLAW RESEARCH 11-18-2011 RESEARCH BY JOHN COLE	18.39
12/07/11	COPIES	6.60
12/09/11	COPIES	6.60
12/16/11	WESTLAW RESEARCH 12-06-2011 RESEARCH BY JOHN COLE	2.26
12/16/11	WESTLAW RESEARCH 12-07-2011 RESEARCH BY DEDRIA HARPER	17.90
12/16/11	WESTLAW RESEARCH 12-07-2011 RESEARCH BY JOHN COLE	7.98
12/16/11	WESTLAW RESEARCH 12-08-2011 RESEARCH BY JOHN COLE	59.43
Total Expenses:		\$2,330.72

TIME SUMMARY RECAP

Timekeeper	Title	Hours	Rate	Amount
CG PIERCE JR.	PARTNER	10.10	\$260.00	\$2,626.00
JD COLE	COUNSEL	119.30	\$340.00	\$40,562.00
DL HARPER	ASSOCIATE	3.30	\$205.00	\$676.50
CJ CYR	LEGAL ASSISTANT	5.50	\$135.00	\$742.50
Total:		138.20		\$44,607.00

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

IRS # 570386425

PROPAK LOGISTICS, INC.
TERRY SMITH
5000 ROGERS AVE., STE. 800
FT. SMITH, AK 72903

Remit Address:
Post Office Drawer 2426
Columbia, SC 29202

Matter No. 049204-00001
Invoice No. 53454486
Invoice Date December 21, 2011
Attorney JD COLE

Re: EEOC CASE NO. 1:09CV311

For Professional Services Rendered Through December 18, 2011.

PLEASE SEE REVERSE FOR DETAILS.

Previous Balance \$13,623.45
Current Charges..... \$46,937.72
New Balance..... \$60,561.17

ALL BILLS ARE DUE AND PAYABLE IN FULL UPON RECEIPT OF THIS INVOICE. A LATE PAYMENT CHARGE OF 1 1/2% PER MONTH WILL BE ADDED TO ANY BALANCE REMAINING UNPAID 30 DAYS AFTER THE BILLING DATE.

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

January 31, 2012

Invoice No. 53460107

Matter: 049204-00001

PROPAK LOGISTICS, INC.
TERRY SMITH
5000 ROGERS AVE., STE. 800
FT. SMITH, AK 72903

Re: EEOC CASE NO. 1:09CV311

Enclosed please find our statement for the period ending January 18, 2012. We trust that you will find this statement to be in order and will place it in line for payment.

If you have any questions, please do not hesitate to contact us. You can also reach our finance department at 803-253-8242.

Very truly yours,

Nexsen Pruet, LLC

PLEASE SEND REMITTANCE TO: **NEXSEN PRUET, LLC**
Attorneys and Counselors at Law
Post Office Drawer 2426
Columbia SC 29202
ID# 049204-00001

227 WEST TRADE STREET, SUITE 1550, CHARLOTTE, NC (28202)
704-339-0304 • FAX 704-338-5377
www.NexsenPruet.com

OFFICES ALSO IN:

CHARLESTON,
SC

COLUMBIA,
SC

GREENSBORO,
NC

GREENVILLE,
SC

HILTON HEAD,
SC

MYRTLE BEACH,
SC

RALEIGH,
NC

NEXSEN | PRUET

IRS # 570386425

PROPAK LOGISTICS, INC.
TERRY SMITH
5000 ROGERS AVE., STE. 800
FT. SMITH, AK 72903

Remit Address:
Post Office Drawer 2426
Columbia, SC 29202

Matter No. 049204-00001
Invoice No. 53460107
Invoice Date January 31, 2012
Attorney JD COLE

Re: EEOC CASE NO. 1:09CV311

For Professional Services Rendered Through January 18, 2012.
PLEASE SEE REVERSE FOR DETAILS.

Previous Balance \$47,139.05
Current Charges..... \$811.35
New Balance..... \$47,950.40

ALL BILLS ARE DUE AND PAYABLE IN FULL UPON RECEIPT OF THIS INVOICE. A LATE PAYMENT CHARGE
OF 1 ½% PER MONTH WILL BE ADDED TO ANY BALANCE REMAINING UNPAID 30 DAYS AFTER THE
BILLING DATE.

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

Invoice Date: 1/31/12

Invoice No. 53460107

Matter No. 049204-00001

EXPENSES

Date	Description	Amount
12/19/11	DEPOSITION EXPENSES	799.83
01/13/12	PACER SERVICE	4.48
01/13/12	PACER SERVICE	2.96
01/13/12	PACER SERVICE	4.08
Total Expenses:		\$811.35

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

IRS # 570386425

PROPAK LOGISTICS, INC.
TERRY SMITH
5000 ROGERS AVE., STE. 800
FT. SMITH, AK 72903

Remit Address:
Post Office Drawer 2426
Columbia, SC 29202

Matter No. 049204-00001
Invoice No. 53460107
Invoice Date January 31, 2012
Attorney JD COLE

Re: EEOC CASE NO. 1:09CV311

For Professional Services Rendered Through January 18, 2012.
PLEASE SEE REVERSE FOR DETAILS.

Previous Balance \$47,139.05
Current Charges..... \$811.35
New Balance..... \$47,950.40

ALL BILLS ARE DUE AND PAYABLE IN FULL UPON RECEIPT OF THIS INVOICE. A LATE PAYMENT CHARGE
OF 1 ½% PER MONTH WILL BE ADDED TO ANY BALANCE REMAINING UNPAID 30 DAYS AFTER THE
BILLING DATE.

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

NEXSEN | PRUET

IRS # 570386425

PROPAK LOGISTICS, INC.
TERRY SMITH
5000 ROGERS AVE., STE. 800
FT. SMITH, AK 72903

Remit Address:
Post Office Drawer 2426
Columbia, SC 29202

Matter No. 049204-00001
Invoice No. 53460107
Invoice Date January 31, 2012
Attorney JD COLE

Re: EEOC CASE NO. 1:09CV311

For Professional Services Rendered Through January 18, 2012.
PLEASE SEE REVERSE FOR DETAILS.

Previous Balance \$47,139.05
Current Charges..... \$811.35
New Balance..... \$47,950.40

ALL BILLS ARE DUE AND PAYABLE IN FULL UPON RECEIPT OF THIS INVOICE. A LATE PAYMENT CHARGE
OF 1 ½% PER MONTH WILL BE ADDED TO ANY BALANCE REMAINING UNPAID 30 DAYS AFTER THE
BILLING DATE.

OFFICES IN:

CHARLESTON, SC CHARLOTTE, NC COLUMBIA, SC GREENSBORO, NC GREENVILLE, SC HILTON HEAD, SC MYRTLE BEACH, SC RALEIGH, NC

Attachment B

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
vs.)
)
PROPAK LOGISTICS, INC)
)
)
Defendant.)

CIVIL CASE NO. 1:09-cv-311

AFFIDAVIT OF STEPHEN J. DUNN

I, Stephen J. Dunn, being duly sworn upon oath state as follows:

1. I am a member of the firm of Van Hoy, Reutlinger, Adams & Dunn, PLLC. I have been licensed to practice law in North Carolina since 1998, and am admitted to practice before all state and federal courts in North Carolina, including without limitation this Court. I am also licensed to practice before the Fourth Circuit Court of Appeals.
2. I have practiced primarily in the area of employment law since 1998. I have been listed in Chambers USA, Business North Carolina Legal Elite, and North Carolina Super Lawyers in the area of employment law.
3. I have discussed this matter generally with John D. Cole, and have reviewed a number of documents in connection with the captioned matter, including without limitation the Plaintiff's Complaint, the Defendant's Answer, the Order dismissing the case, and the Defendant's Motion for Attorneys' Fees and Costs. I have also reviewed the Affidavit of

John D. Cole and the rates and billing information contained therein (collectively, the "Cole Affidavit").

4. In my opinion, the rates and the litigation fees and expenses contained in the Cole Affidavit are reasonable and appropriate given the nature of the case, the status and disposition of the case, the results obtained, and the prevailing rates in this jurisdiction. Based on my knowledge, the rates contained in the Cole Affidavit for partners, associates, and paralegals are reasonable and within the rates customarily charged by attorneys of similar experience and reputation in the local area, and are lower than the rates of a number of employment litigation attorneys in the local area.

Further affiant sayeth not.




Stephen J. Dunn

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

SUBSCRIBED AND SWORN to before me this 28 day of August, 2012, by Stephen J. Dunn.


Notary Public

[SEAL]

My Commission Expires: 4.25.2015

